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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,867	09/18/2003	Carl Phillip Gusler	AUS920030533US1	8475

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IBM CORP. (AVE)  
C/O LAW OFFICE OF ANTHONY ENGLAND  
PO BOX 5307  
AUSTIN, TX 78763-5307

EXAMINER

LE, LANA N

ART UNIT PAPER NUMBER

2618

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/666,867	GUSLER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lana N. Le	2618	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 5/19/06.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 and 18-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 18-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 5, 7, 11, 18-19, and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geren et al (US 2003/0,104,843) in view of Laurila (US 2004/0,204,168).

Regarding claim 1, Geren et al disclose an assembly suitable for use in a motor vehicle (para. 17), comprising an audio system including at least one speaker (speaker 42; para. 22), the audio system being enabled to receive a mute signal (radio mute) and to respond to the mute signal by muting the audio system output (paras. 20, 25); and a control system (data detection/call activity circuit) coupled to the audio system and enabled to alert a signal indicative of an incoming call or message to any of two or more wireless devices within the motor vehicle by asserting the mute signal to mute the output of the audio system via radio mute (para. 25-26; abstract). Geren et al do not specifically disclose the assembly is enabled to respond to a signal indicative of an incoming call or message to any of two or more wireless devices within the motor vehicle by asserting the mute signal to mute the output of the audio system via radio

mute. Laurila discloses an assembly enabled to respond to a signal indicative of an incoming call or message (ringing signal) to any of two or more wireless devices by asserting the mute signal to mute the output of the audio system via radio mute (para. 32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to mute a signal based on an output signal indicating an incoming call to alert the user that there is an incoming call.

Regarding claim 2, Geren et al and Laurila disclose the assembly of claim 1, wherein Laurila discloses an indicative signal is a ringing signal produced by any of the two or more of the wireless devices and wherein the control system includes an audio input to detect the ringing signal and in response mute the radio signal (para. 32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the indicative signal be a ringing signal in order to allow the incoming call to be heard at the speaker via a ring tone as suggested by Laurila.

Regarding claim 3, Geren et al and Laurila disclose the assembly of claim 2, wherein Laurila discloses the assembly further comprising a set of audio detectors (inherent audio detectors to detect the ringing signal) positioned within the vehicle to detect the ringing of any of the wireless devices, each of the audio detectors being coupled to the audio input port (para. 30).

Regarding claim 5, Geren et al and Laurila disclose the assembly of claim 1, wherein Laurila discloses the indicative signal (ringing signal) is generated by the wireless communication device in response to the wireless device receiving an incoming call or message (para. 32).

Regarding claim 7, Geren et al and Laurila disclose the assembly of claim 6, wherein Laurila discloses the non-audible signal comprises an infrared signal (48; fig. 1) and further wherein the control system includes an infrared port enabled to receive the infrared signal (paras. 20, 32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have an infrared signal in order to send the ring signal at a closed range distance in a piconet network as suggested by Laurila.

Regarding claim 11, Geren et al and Laurila disclose the assembly of claim 1, wherein Laurila discloses the indicative signal (ringing signal) is a signal transmitted to any of the wireless devices (46) by a wireless service provider and further wherein the control system is enabled to detect the transmitted signal (para. 32).

Regarding claim 18, Geren et al disclose an assembly within a motor vehicle (para. 17), comprising: means for detecting a signal generated by any of two or more wireless communication devices responsive to phone activity (para. 20; abstract), and means for muting an audio system of the motor vehicle responsive to the detecting means (paras. 25-26; abstract). Geren et al do not disclose detecting a signal responsive to receiving an incoming call or message. Laurila discloses detecting a signal responsive to receiving an incoming call or message and muting responsive to the detecting (para. 32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to detect a signal responsive to receiving an incoming call or message in order to mute the radio when an incoming call alert is signaled to the user.

Regarding claim 19, Geren et al and Laurila disclose the assembly of claim 18, wherein Laurila discloses the generated signal comprises a signal selected from the set

of signals consisting of an audible signal, an infrared signal, and a short range radio frequency signal (paras. 20, 26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have an audio, infrared, or short range signal in order to transmit within 10-20 meters in the wireless piconet/personal area network.

Regarding claim 21, Geren et al and Laurila disclose the assembly of claim 18, wherein Laurila discloses the means for muting the audio system include means for restoring the audio system (unmuting the mute signal) responsive to termination of the incoming call or message (paras. 38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to unmute the audio signal in order to allow the user to listen the music again.

Regarding claim 22, Geren et al and Laurila disclose the assembly of claim 18, wherein Laurila discloses the generated signal comprises an audible signal (para. 32; audible signal heard at headset).

Regarding claim 23, Geren et al and Laurila disclose the assembly of claim 18, wherein Laurila discloses the assembly includes an inherent audio input port to detect the audible signal (para. 32; audible signal heard at headset).

Regarding claim 24, Geren et al and Laurila disclose the assembly of claim 2, wherein Laurila discloses the assembly further includes a set of audio detectors (inherent audio detectors to detect the ringing signal) positioned within the vehicle to detect the ringing of any of the wireless devices, each of the audio detectors being coupled to the audio input port (para. 30).

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3. Claims 4 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geren et al (US 2003/0,104,843) in view of Laurila (US 2004/0,204,168) and further in view of Deeds (US 2004/0,219,953).

Regarding claim 4, Wavroch et al and Laurila disclose the assembly of claim 2, wherein Wavroch et al and Laurila do not disclose the control system is further enabled to learn characteristics of the ringing signal of a particular wireless device, and wherein the control system is enabled to respond with the mute signal selectively to learned ringing signals. Deeds discloses the control system is further enabled to learn characteristics of the ringing signal of a particular wireless device, and wherein the control system is enabled to respond with the mute signal selectively to learned ringing signals (paras. 28, 52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to learn characteristics of the ringing signal of a particular wireless device in order to identify which mobile the ring signal is generated from to mute the radio based on stored ringing tones.

Regarding claim 20, Geren et al and Laurila disclose the assembly of claim 18, wherein Geren et al and Laurila do not disclose the means for detecting are further characterized as means for detecting a signal generated by a selected wireless communication device. Deeds et al disclose the means for detecting are further characterized as means for detecting a signal generated by a selected wireless communication device (paras. 28, 52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to detect a signal based on a

particular wireless device in order to identify which mobile the ring signal is generated from to mute the radio based on stored ringing tones.

4. Claims 6 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geren et al (US 2003/0,104,843) in view of Laurila (US 2004/0,204,168) and further in view of Wavroch et al (US 5,404,391).

Regarding claim 6, Geren et al, Laurila, and Wavroch et al disclose the assembly of claim 5, wherein Geren et al and Laurila do not disclose the indicative signal is a non-audible signal. Wavroch et al disclose the indicative signal is a non-audible signal (vibrating mode; col 4, lines 40-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a non audible signal in order to provide versatile types of alert signals based on user' preferences and where the mobile is located.

Regarding claim 8, Geren et al, Laurila, and Wavroch et al disclose the assembly of claim 6, wherein Wavroch et al disclose the indicative signal is a non-audible signal and Laurila discloses the indicative signal comprises a radio frequency signal and further wherein the control system includes an antenna (72; fig. 5) suitable for receiving the radio frequency signal (paras. 20, 29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a radio signal in order to establish a radio link between the mobile telephone and another device.

Regarding claim 9, Geren et al, Laurila, and Wavroch et al disclose the assembly of claim 8, wherein Laurila discloses the radio signal is a Bluetooth compliant signal (PAN signal; paras. 20, 26). It would have been obvious to one of ordinary skill in the



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art at the time the invention was made to have Bluetooth in order to transmit via Bluetooth RF standard having wireless range limited to 10 meters as suggested by Laurila.

Regarding claim 10, Geren et al, Laurila, and Wavroch et al disclose the assembly of claim 6, wherein Wavroch et al disclose the indicative signal is a digital signal transmitted from the wireless device to the control system via a cable connecting at least one of the wireless devices to a digital input port of the control system (col 4, lines 49-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to send the indicative signal through a cable in order to send the alert signal through the control system of the car mounted wireless device.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Geren et al (US 2003/0,104,843) in view of Laurila (US 2004/0,204,168) and further in view of Cannon et al (US 2003/0,032,460).

Regarding claim 12, Geren et al and Laurila disclose the assembly of claim 11, wherein Geren et al and Laurila do not disclose the control system includes means for enabling a user to specify telephone numbers of wireless devices to define the set of wireless devices for which the control system asserts the mute signal. Kondo et al disclose a control system includes means for enabling a user to specify telephone numbers of wireless devices to define the set of wireless devices for which the control system asserts the mute signal (para. 15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to specify telephone numbers

of wireless devices in order to store specific phone numbers in order to identify certain mobile devices by the driver to send the control signal as suggested by Cannon et al.

### ***Response to Arguments***

7. Applicant's arguments filed 5/19/06 have been fully considered but they are not persuasive.

Regarding applicant's remarks filed 5/10/06, the argument that the cited references do not teach two or more wireless devices is not according to claim language since the claimed language of "any" of two or more wireless devices reads on one of the wireless devices, and Laurila discloses two wireless devices which are the headset and the wireless phone. Regarding claim 3, the examiner states in the previous office action that the audio detectors are inherent so that the user can "hear" the audio tone at the headset. Regarding claim 4, the cited reference, Deeds discloses different sounds of ring tones based upon the unique cell phone identifier which reads on how to distinguish the characteristics of a ringing signal of a particular wireless device wherein the audio detector must be inherently present to output the audible ring tones.

Regarding the interview on 5/11/06, applicant's representative stress the signal sent to the headset is not an audible signal. However, the examiner already pointed out and restates herein in paragraph 32 of the cited reference, Laurila, that the reference specifically discloses a ring tone "heard" at the speaker 42, which is the headset's

speaker, is generated from the phone or the headset. Therefore, if the user is able to "hear" the ring tone then the signal is "audible". As a result, the non-final rejection filed 2/10/06 stands rejected as set forth in the previous office action.

### ***Conclusion***

**8. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**9.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lana N. Le whose telephone number is (571) 272-7891. The examiner can normally be reached on M-F 9:00-5:30.

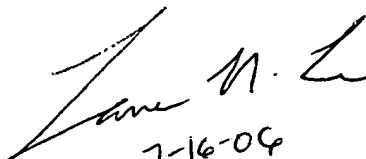
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on (571) 272-7899. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lana Le

  
7-16-09  
LANA LE  
PRIMARY EXAMINER